



Federal Communications Commission
Washington, D.C. 20554

July 23, 2021

DA 21-890

Chirinjeev Kathuria
Chief Executive Officer
DataAccess America, Inc.
75 Maiden Lane, Suite 803
New York, NY 10038

Via Certified Mail, Return Receipt Requested

Re: Potential Reclamation of DataAccess America, Inc.'s International Signaling Point Code, 3-059-0 (New York, NY)

Dear Mr. Kathuria:

By this letter, we inform you of our intent to reclaim the above-captioned International Signaling Point Code (ISPC), provisionally assigned to DataAccess America, Inc. (DataAccess America), unless you respond to this letter within thirty (30) days, by **August 23, 2021**, and indicate whether DataAccess America is still using the code.

The Federal Communications Commission (Commission), as the Administrator for the United States, assigns ISPCs for Signaling System No. 7 networks under ITU-T Recommendation Q.708.¹ In 2003, the Commission granted DataAccess America's application for an ISPC in New York, NY and provisionally assigned it ISPC 3-059-0.² The Commission has explained that ISPCs are a scarce resource and "[a]s a result, code assignments are conditional upon their being used within one year lead time, so that the Commission can reassign unused codes to another carrier."³ Finally, ITU-T Recommendation Q.708 provides that the Commission should withdraw an ISPC assignment if the code is "no longer in use or required" by the operator, among other reasons.⁴

Pursuant to ITU-T Recommendation Q.708, the Commission also required DataAccess America to make several certifications in its application for the ISPC. First, DataAccess America certified that the

¹ International Telecommunication Union (ITU), ITU-T Recommendation Q.708 (03/99), Series Q: Switching and Signalling, Specifications of Signalling System No. 7 – Message Transfer Part (MTP), Assignment procedures for international signalling point codes, <https://www.itu.int/rec/recommendation.asp?lang=en&parent=T-REC-Q.708-199903-I> (ITU-T Recommendation Q.708).

² DataAccess America, Inc., File No. SPC-NEW-20030221-00009 (filed Feb. 21, 2003) (DataAccess America ISPC Application). Letter from Cathy Hsu, Policy Division, International Bureau, FCC to Mr. Ashutosh Misra, President and CEO, DataAccess America Inc. (Feb. 25, 2003) at 2 (*DataAccess America Grant Letter*).

³ *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rules*, Notice of Proposed Rulemaking, 19 FCC Rcd 6460, 6474, para. 36, n.83 (2004); see also *China Telecom (Americas) Corporation*, GN Docket No. 20-109 *et al.*, Order Instituting Proceedings on Revocation and Termination and Memorandum Opinion and Order, 35 FCC Rcd 15006, 15040, para. 58 (2020) ("ISPCs are a scarce resource that are used by international Signaling System 7 (SS7) gateways as addresses for routing domestic voice traffic to an international provider and anyone seeking an ISPC assignment is required by rule to file an application with the Commission and comply with its procedures.").

⁴ ITU-T Recommendation Q.708 at 6.

“[c]ode assignments held in excess of 18 months without implementation must be returned to this Administrator for reassignment.”⁵ To confirm this, the International Bureau (Bureau) in a letter granting the provisional code to DataAccess America on February 25, 2003, required DataAccess America to inform the Bureau of the date the code was implemented.⁶ Second, DataAccess America certified “[it is] aware that all ISPC assignments are provisional and that nobody has a property right in [an] ISPC [and it is] aware that the Commission may take an assigned ISPC and reassign it to another person.”⁷ Despite these certifications, we have no record that DataAccess America informed the Bureau of the date the code was implemented. Additionally, DataAccess America was subject to the annual traffic and revenue reporting requirements at the time of its ISPC assignment.⁸ However, we have no record that it filed any International Traffic and Revenue Reports for the years 2005-2014.⁹

In May 2020, Commission staff made several attempts to contact DataAccess America to ascertain whether it is using its assigned ISPC. On May 18, 2020, staff called DataAccess America’s phone number on record, but that number is now no longer associated with DataAccess America.¹⁰ On May 18 2020, staff also sent inquiries to the email addresses on file, one of which was returned due to an unknown host error.¹¹ Staff sent an email inquiry to a second address on file for DataAccess America’s then-President and CEO, Mr. Ashutosh Misra. He replied that he resigned from DataAccess America in March 2005, and that he believes that the company was liquidated a few years later and no longer exists as a business in the United States.¹² The FCC Form 499 Filer Database indicates that DataAccess

⁵ DataAccess America ISPC Application.

⁶ *DataAccess America Grant Letter* at 2 (“[Y]our implementation and notification to this office must occur on or before February 25, 2004.”).

⁷ DataAccess America ISPC Application. In its *DataAccess America Grant Letter*, the Bureau reiterated the certifications, adding that “[u]nless this office is specifically notified of the actual implementation of assignments for planned future service, it will be assumed that those implementations did not occur and such assignments will expire, making those particular codes available for reassignment.” *DataAccess America Grant Letter* at 2.

⁸ *See generally Amendment of Section 43.61*, CC Docket No. 91-22, Report and Order, 7 FCC Rcd 1379 (1992) (establishing the traffic and revenue reporting requirements that were in effect in 2003).

⁹ In 2017, the Commission eliminated the requirement that U.S. providers of international telecommunications services file annual Traffic and Revenue Reports. *See Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, IB Docket Nos. 17-55, 16-131, Report and Order, 32 FCC Rcd 8115 (2017). Providers, including DataAccess America, were required to file the final traffic and revenue data for calendar year 2015. A review of our records indicates that DataAccess America submitted traffic and revenue data for 2004 but not for subsequent years. *See Strategic Analysis and Negotiations Division, Multilateral Negotiations and Industry Analysis Branch, International Bureau, 2004 International Telecommunications Data* (Filed as of October 31, 2005) at 17 (March 2006), <https://www.fcc.gov/document/2004-international-telecommunications-data-filed-october-31-2005>.

¹⁰ Staff called the following telephone number: (303) 285-5137.

¹¹ Email from Arthur Lechtman, Attorney-Advisor, Telecommunications and Analysis Division, International Bureau to Mr. Ashutosh Misra, DataAccess America, Inc. (ashu@da-america.com) (May 18, 2020, 11:53 AM); Return email from Mail Delivery Subsystem to Arthur Lechtman, Attorney-Advisor, Telecommunications and Analysis Division, International Bureau (May 18, 2020, 11:53 AM). These emails are reprinted in the Attachment below.

¹² Email from Arthur Lechtman, Attorney-Advisor, Telecommunications and Analysis Division, International Bureau to Mr. Ashutosh Misra, DataAccess America, Inc. (AMisra@itnes.com) (May 18, 2020, 1:50 PM); Reply email from Mr. Ashutosh Misra to Arthur Lechtman (May 18, 2020, 1:55 PM).

America's account was closed April 5, 2005 because the "account was inactive for an extended period and . . . the administrator could not contact the filer."¹³ Finally, staff viewed New York's Department of State, Division of Corporations website, and according to that website, DataAccess America has been inactive since 2010.¹⁴ Staff also viewed the Colorado Secretary of State's Business Database Search website, and according to that website, DataAccess America's status is "withdrawn" and its Colorado authority was terminated on July 5, 2005.¹⁵ Based on our inability to contact a current representative for DataAccess America, the records of New York's Department of State and Colorado's Secretary of State, the absence of any traffic and revenue reports for 2005-2014, and the inactive status notation in the Commission's 499 database, we believe DataAccess America is no longer in business and no longer using its assigned ISPC.

We request that you respond to this letter by **August 23, 2021**, and indicate the date the code was implemented and describe the current use of DataAccess America's ISPC (3-059-0). A failure to respond to this letter serves as confirmation that DataAccess America is no longer using its provisionally assigned ISPC and has failed to comply with our ISPC requirements. Consistent with the terms of the ITU-T Recommendation Q.708, we will reclaim the ISPC (3-059-0) and immediately make the code available for reassignment if you fail to respond to this letter as requested. We are addressing this letter to the most recent contacts and addresses of record provided by DataAccess America.

If you have any questions, please contact me at (202) 418-7370 or Francis.Gutierrez@fcc.gov or my colleague Arthur Lechtman at (202) 418-1465 or Arthur.Lechtman@fcc.gov.

Sincerely,

/Francis Gutierrez/

Francis Gutierrez
Deputy Chief, Telecommunications and Analysis
Division
International Bureau

cc:

DataAccess America, Inc.
8120 Shaffer Parkway
Littleton, CO 80127

¹³ FCC Form 499 Filer Database Detailed Information, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=823340> (last visited July 14, 2021).

¹⁴ See New York, Department of State, Division of Corporations, Search Our Corporation and Business Entity Database, <https://apps.dos.ny.gov/publicInquiry/> (last visited July 14, 2021).

¹⁵ See Colorado Secretary of State Business Database Search, <https://www.sos.state.co.us/biz/BusinessEntityDetail.do?quitButtonDestination=BusinessEntityResults&nameTyp=ENT&masterFileId=20021346640&entityId2=20021346640&fileId=20051257872&srchTyp=ENTITY> (last visited July 14, 2021).

Attachment

From: Arthur Lechtman <Arthur.Lechtman@fcc.gov>
Sent: Monday, May 18, 2020 11:53 AM
To: ashu@da-america.com
Cc: Francis Gutierrez <Francis.Gutierrez@fcc.gov>; Stacey Ashton <Stacey.Ashton@fcc.gov>
Subject: DataAccess America Inc. - International Signaling Point Code

Hello Mr. Misra:

I am writing to inquire whether DataAccess America Inc. is still using the international signaling point code that it was assigned in 2003 (3-059-0, for use in New York NY). Please let me know by email or call me at the number below if you have any questions. Thank you,

Artie Lechtman

Federal Communications Commission
International Bureau
202.418.1465

-----Original Message-----

From: Mail Delivery Subsystem <MAILER-DAEMON@mx0b-0024ed01.pphosted.com>
Sent: Monday, May 18, 2020 11:53 AM
To: prvs=2407de6690=arthur.lechtman@fcc.gov
Subject: Returned mail: see transcript for details

The original message was received at Mon, 18 May 2020 15:53:02 GMT from m0102174.pops.net [127.0.0.1]

----- The following addresses had permanent fatal errors ----- <ashu@xn--daamerica-rf4e.com>
(reason: 550 Host unknown)

----- Transcript of session follows -----
550 5.1.2 <ashu@xn--daamerica-rf4e.com>... Host unknown (Name server: xn--daamerica-rf4e.com.: host not found)